K 1952.

Electricity (Spl.P.)

File No. II/52(N)

Legal Department.

B **BRANCH**

Subject:— Notifications under the Bromberg Electricity (Spl.P.) Act, 1946

File No. Electricity (Spl.P.) II/52 (N) 273-B

Gen. 1b/6.

Legal Department.

A revised draft order inplace of the P.W.D. draft at page 73 ante is sent herewith.

2. The view taken by the Secretary, P.W.D., is correct. The power in sub-section (2) of section 6A of the Bombay Electricity (Speical Powers) Act, 1946, to make provision in any order made under sub-section (1) for any incidental or supplementary matters would not include the power to impose conditions (2) to (5) in the P.W.D. draft requiring such of the mills as produce auxiliary power to continue to produce such power and to sell the excess, if any, over the requirements to the "Power Pool" to be maintained by the Tatas, and requiring mills, to make payment for the power supplied from the "Power Pool". These conditions are in no way connected with the purpose of the Order to be made under sub-section (1) of section 6A of the Act, viz. regulating the supply of electrical energy by a licensee holding a license under the Indian Electricity Act, 1910, and not by other persons. The said conditions have accordingly been duly deleted from the revised draft. There is nothing in the P.W.D. Order No. EIR. 1651 dated the 26th October 1951 which prohibits a mill from producing its own energy and working 48 hours by means of such energy. It is rightly observed by the Secretary, P.W.D., that these matters are for voluntary agreement by mills. The P.W.D. should, therefore, include in column 1 of Schedule I as added to the revised draft only the names of those mills which agree to comply with these conditions. In case any such mill is found not to be observing the condition of the agreement the Order can be modified by excluding such mill from the Order and a suitable order may be passed in respect of such mill. The P.W.D. should verify whether the draft Order is suitable and carries out its intention.

Sd/- J.R.Dhurandhar.
4.2.
Additional Secretary to Government.

U.R. to P.W.D., No. 1751, dated the 6th February 1952

1952.

File No. Electricity II/52(iv)

Legal Department
B BRANCH

P 11(2)

Subject:—

Notifications under the Indian Electricity Act, 1910.

File No. Electricity-II/52(iv)

272-B

Legal Department.

In the case of Wai Electricity Company the Public Works Department had proposed to levy further conditions on the said company which purported to impose an obligation upon the licensee to obtain the previous approval of the Telegraphs Authority, the Railway Authority, the Electrical Commissioner and of the Electrical Engineer before carrying out the works specified in Government Notification P.W.D.No. 8599/36, dated the 20th September 1947 in connection with the transmission of electrical energy from the Bhatgar Power House. The taking of approval of the Railway Authority before breaking soil of the railway land is provided in sections 12 to 14 of the Indian Electricity Act, 1910; the taking of approval of Telegraphs Authority before tampering with their works is provided in sections 17 and 18 whide the previous approval of Provincial Government to the method of construction which the licensee proposed to xx adopt in connection with such transmission is provided for in section 18 of the said Act. It is in view of this position that a proviso was added in that notification that the compliance with the said conditions shall not in any way effect the obligations of the licensee under sections 12 to 16 and section 18 and 19 of the Indian Electricity Act, 1910 In the case under consideration the approval of -

(i) The Telegraph Authority;

(ii) The Chief Engineer, Bombay Electric Grid;

(iii) The Electrical Engineer to Government;

(iv) The Superintending Engineer, North Gujarat Circle;

(v) The Collector of Ahmedabad; and

(vi) The Authorities of the Western Railway.

to the routes of transmission lines has already been provided for in condition (iii) of the notification (page 85). There is no legal objection to the deletion of condition (vi).

R.D.P.
1817
S.L.

Id/- 9/9

Additional Deputy Secretary to Government.

U.R. to P.W.D.No.14815-B, dated the 11th September 1952.